

BETWEEN TRUTH AND LIES. (IM)POLITENESS STRATEGIES IN TRIALS

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Abstract

This paper describes the (im)politeness strategies that occur in oral trials (without a jury) because these are related to the credibility of the speakers, a matter of vital importance for the outcome of the trial. The participants are divided into groups according to their goals, with an “accuser’s block” against a “defendant’s block” and, between them, the judge, who is responsible for sentencing. It will be shown that in these contexts, where there is an implicit conflict, individuals give priority to their image of credibility rather than maintaining a good self-image. Thus, they do not hesitate to show a negative image of themselves if they believe it may be beneficial for the verdict. On the other hand, they often project a bad image of their opponent’s group, preferably by addressing information that questions the truth of the facts related by their opponents. In short, judicial contexts constitute a complex framework of communication where interests take precedence over the desire to convey a good image (either of oneself or another actor).

Keywords: pragmatics; (im)politeness; public image; trials.

ENTRE VERITAT I MENTIDA. ESTRATÈGIES (DES)CORTESSES EN ELS JUDICIS

Resum

L'article descriu les estratègies de (des)cortesia que ocorren en els judicis orals (sense jurat). Aquestes estratègies es relacionen amb la credibilitat dels oradors, un assumpte d'importància vital per al desenllaç d'un judici. Els qui hi participen es divideixen en dos bàndols segons els interessos que tinguin. Per això hi ha un «bloc acusador» enfront d'un «bloc defensor» i, entremig d'ambdós, hi ha el jutge, qui s'encarrega de dictar la sentència. Es demostrarà que en aquells contextos en què hi ha un conflicte implícit, els individus prioritzen semblar creïbles en comptes de mostrar una bona imatge de si mateixos. Amb aquest propòsit, no dubten a mostrar una mala imatge d'ells mateixos si pensen que això serà beneficiós per al veredictat desitjat. D'altra banda, freqüentment projecten una mala imatge del grup contrari, ja que aporten informació que qüestiona la veracitat dels fets que relaten els oponents. En resum, els contextos judicials constitueixen marcs comunicatius complexos en què els interessos prevalen per sobre del desig de mostrar una bona imatge (tant d'un mateix com d'un altre actor).

Pragmàtica; (des)cortesia; imatge pública; judicis

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1 Introduction

This paper examines the relationship between politeness and impoliteness strategies in legal contexts, the two ends of a communication continuum based on social relations. For this reason, the background section explores some of the most representative works on legal linguistics and (im)politeness strategies. The analysis section questions the assertion that everyone always wants to transmit a good self-image (Goffman, 1959). In contrast to this theory, we argue that one's interests take precedence over one's good image. Legal contexts are highly strategic environments where participants have one, clear priority: to appear credible enough for the judge to trust their words. We assume that impoliteness is a much more common resource than has been observed so far (Culpeper, 1996).

In the communicative framework of Spanish oral trials (without a jury) the judge is the most powerful actor, since he or she not only allocates the speaking time for all the participants but also delivers the judgment. Therefore, the interventions of the other participants are governed by the principle of convincing the judge of the truth of what they are saying. Since both the accuser and the accused blocks can be expected to try to convey a good self-image, and a bad image of their opponent's group, one might expect the same participant to use both politeness and impoliteness strategies in such communicative encounters.

This image can serve to interpret correctly the complex communicative frameworks that occur in court, focusing on the analysis of (im)politeness and, consequently, on the social image conveyed by the actors involved. The communication strategies used by participants are vital for the outcome of the conflict. For this reason, we aim to shed light on this topic, both relevant to and neglected in judicial environments.

2 Background

There is a vast difference between research in Spanish-speaking countries and that in English-speaking ones. In Spanish publications, priority has been given to investigating written legal language. Research in Spanish that discusses oral interactions in legal settings, on the other hand, is in a minority, although in recent decades this branch of study has captured the attention of more researchers (Quesada, 1991, 1993, 1998; Boretti, 1996; Hernandez Terres, 1997; Perdu, 2003, El-Madkouri, 2008; Ridao, 2009, 2010a, 2010b; Briz, 2011; Villalba, 2013).

El-Madkouri (2008) warns that politeness is a cultural rather than a linguistic process, and that the presence or absence of politeness is determined by the context. In addition, Briz (2011) investigates the alternation of turn-taking in trials and speech registers, both issues related to politeness. Villalba (2013) analyzes impersonality as a hedger in judicial contexts.

In the English-speaking world, the interest in research into judicial contexts using oral corpora goes beyond the limits of purely linguistic interest, and many psychologists or translators –both their disciplines are related to linguistics– are interested in works generally framed under the name of forensic linguistics. Consequently, we shall outline, in chronological order, the pioneering research that analyzed politeness in judicial contexts –some studies on translation and interpreting– and we shall also include works related to credibility, since credibility and (im)politeness are strategically linked resources.

For instance, Lakoff (1989), investigating the therapeutic and court contexts, concludes that conflict is intrinsic in both areas, so the use of impoliteness resources becomes systematic and even normal. Adelswärd (1989) confirms that, in trials, the distribution of power among the participants is very asymmetrical, and that positive politeness strategies may become a credit in some cases. She also argues that social distance is not negotiated in a very predetermined context. Kurzon (2001), on the other hand, offers a revision of politeness strategies taking place in American and English judicial opinions. Based on the research of written texts, he points to the extensive use of politeness even when there is disagreement.

Turning to the field of translation and interpreting, Berk-Seligson (1988) confirms that listeners react subjectively to many aspects of speech, depending on people's dialect, pronunciation or voice. This study finds that politeness plays a role in forming impressions of the respondents. The author asserts that the politeness in witness testimony is associated with features such as conviction, competence, intelligence

and righteousness. Politeness modifications made by a court interpreter alter the receptors' perceptions of the declarant. Even when listeners understand the foreign language of the witness's confession, the English translation of court interpreters influences their evaluations. Also, in Berk-Seligson (1989) it is shown that register affects the way listeners perceive speakers and he highlights the fact that translators are linguistic mediators who influence the register when they translate into another language.

Crooker (2000) offers a useful contribution to the extensive literature on judicial interpreting practice. He draws attention to two types of errors that are often made by interpreters: changing the register and adding or deleting politeness markers. He warns that such failures can have a significant impact on the impressions that the jury obtains from witnesses and lawyers. Studies by Papafragou, Hulbert and Trueswell (2008), Fausey and Boroditsky (2011), and Filipovic (2013) show that the use of different languages influences the way in which witnesses process their memory of experiences.

Other works with a highly psychological profile investigate the communicative aspects by focusing on the transmission of credibility. This is the case of the earlier study by Carlen (1975), with a wide variety of communication content: from strategies for maintaining credibility to the court proceedings. A similar approach characterizes the research of Wholrey et al (1981), Brannigan and Lynch (1987) and Jacquemet (1996).

The study by McGaughey and Stiles (1983) relates the principles governing pragmatics to aspects of psychology, such as credibility. This work shows the importance of speech content, of the pragmatolinguistic aspects and of nonverbal behaviour, because these parameters might influence the image that the witness projects of himself or herself. We would stress again that the existing literature on this topic in the English-speaking world is extensive. Hence we have made a selection of the works that we consider most in line with the analysis of this paper.

We will now consider some of the most famous contributions in the field of pragmatics. Since Goffman (1959) raised the idea that every individual has a public image and a desire for this image to be positive, a wide variety of valuable input has appeared on this issue. Thus, Lakoff (1973) suggested three maxims for being polite: not to impose one's will, to indicate options and to make the speaker feel well. On the other hand, Fraser and Nolen (1981) built on the concept of *conversational contract*, meaning the rights and duties of participants in the conversation. Leech (1983) chose to include six maxims to account for politeness strategies: tact, generosity, approbation, modesty, agreement and sympathy.

Brown and Levinson (1978, 1987) contribute what has been considered the most elaborate principle of politeness in the twentieth century. This theory has been supplemented by authors such as Placencia (1996), Hernández Flores (1999) and Bravo (2004), to cite a few examples from a long list, who modified this principle slightly to adapt it to situations and contexts.

Moreover, we note a tendency to analyze (im)politeness based on cultural aspects. Such is the case of the intercultural perspective of Scollon and Scollon (1983), Ide (1989) with her *wakimae* concept, or Chen (2001) who examine the principles of politeness by focusing the point of interest on the speaker. The contributions of Bravo (2004) focus on taking into account the social nature of human beings, and, therefore, their desire to join a group and, in some cases, to express their autonomy within the group.

Other studies take interpersonal aspects as a reference. Thus, Watts (1992) investigates the discursive approach, and Spencer-Oatey (2003) describes interpersonal relationships. All these contributions coincide in understanding (im)politeness as an appropriate way to develop communicative relationships between individuals.

From another angle, several authors have decided to adapt the theories of politeness to contexts where there is impoliteness. The pioneer in this field was Culpeper (1996), and he was followed by authors such as Kienpointner (1997) who shed light on rudeness and emotions, or Kaul (2005), who extrapolated to the level of impoliteness the membership and autonomy categories established by Bravo at the level of politeness. Kaul (2012) offers a detailed background on the issue of impoliteness.

3 Method

The corpus we selected for this research is formed by twelve trials whose full transcript is available at Ridaó (2010a). The sum of these twelve trials involves three hours and ten seconds of recorded audio-visual material. These hearings were held at the Criminal Court of Almeria city (Spain) between 1999 and 2002. The chronological span of this corpus is justified by the need to ensure the privacy of the participants. The themes of these cases are: comprised thefts, aggravated robberies, crimes with injuries and threats, false accusations, crimes against the duty to perform alternative service, robberies, assaults, embezzlements and abuses.

Based on the enshrined theories on (im)politeness, Ridaó (2009) proposes an integrated model of analysis and implementation of such strategies based on the following principles:

(1) We argue that, for a correct analysis of (im)politeness strategies, we should use the theoretical principles of pragmatics and discourse analysis, as the context, both verbal and nonverbal, is the element that offers the key to understanding the speaker's intention and the receiver's interpretation.

(2) We assume that all communication exchanges always have a utilitarian or teleological purpose, in the sense that they seek to achieve a certain goal, although sometimes with minimal benefits.

(3) We underline the difficulty of recognizing the speaker's intention, because frequently they mask their true intent in their interactions. The receiver's interpretation can be seen by their response.

(4) To avoid misunderstandings, we prefer to use the term *social image* rather than *public image*, alluding to the concept coined by Goffman (1957). This expression applies to every individual's desire to project a good image to others.

(5) We leave aside the distinction between positive image and negative image and the resulting implications for theories of (im)politeness that derive from this taxonomy –mainly those of Brown and Levinson (1978, 1987) and Culpeper (1996)– since it has been shown that the so-called negative image does not exist in certain societies, for example, Eastern society.

(6) It seems more accurate to speak of *pre-established interactional patterns*, as opposed to the concept of *conversational contract* proposed by Fraser and Nolen (1981), since *contract* conveys mercantilist connotations and *conversational* refers only to a specific discourse genre.

(7) We recognize that the maxims of Leech (1983) can be very useful for detailing certain communicative contexts, but they have the limitation of not properly explaining humorous expressions such as irony or hyperbole.

(8) We argue that so-called referential statements can be understood as polite or impolite depending on the context. Thus, the act of reporting “Tomorrow is Tuesday January 28” which, a priori, looks like a purely referential message, can become a rude speech act if, for example, the issuer is reproaching the receiver for a commitment to do something on that date.

(9) We are aware that in expressing politeness or impoliteness in certain statements, the sender's intention does not match the receiver's interpretation, so we propose the following chart:

Table 1. *Types of discourse depending on the speaker's intention and the receiver's interpretation*

Speaker's intention	Receiver's interpretation	Discourse types
+c	+c	Politeness
-c	-c	Impoliteness
+c	-c	Unwise politeness or misunderstood impoliteness
-c	+c	Unwise impoliteness or misunderstood politeness

[+c]= *polite*; [-c]= *impolite*

(10) We maintain that speakers have different options when deploying (im)politeness strategies with their interlocutors, and we recognize that in many cases speakers talk about themselves, thus putting their own image at stake. The following chart shows the different possibilities:

Table 2. *Politeness or impoliteness options of the speaker*

Speaker's options						
Speaker's image	Receiver's image	Safeguard		Threaten		Discourse types
		Yes	No	Yes	No	
-	+	+	-	-	-	Polite/consolidating discourse
-	+	-	-	+	-	Impolite/agitating discourse
-	+	-	+	-	-	Inhibiting discourse
-	+	-	-	-	+	Pacemaking discourse
+	-	+	-	-	-	Self-affirming/self-consolidating discourse
+	-	-	-	+	-	Self-critical/self-agitating discourse
+	-	-	+	-	-	Self-inhibiting discourse
+	-	-	-	-	+	Self-pacemaking discourse

(11) We often use the terms speaker and receiver in singular out of methodological simplicity. However, we know that often, in our exchanges, there is more than one recipient, that it is very common to use feedback, and that we must take group relations into account.

(12) Together with this, we also assess the interpretation of other participants, although such individuals are not the recipients of the polite or impolite speech acts, since it has an effect on the image acquired from the issuer.

(13) The social image of individuals is created on the basis of their common past. Thus, we have to assess common previous episodes, regardless of whether these individuals were direct participants in the communicative exchange, or merely observers of such acts.

(14) Based on the theories of Bravo (2004), we formulate the thesis of the existence of high ingroup connection contexts, and low ingroup connection contexts, since people may have a marked desire for group membership, or the opposite, a desire to portray themselves as autonomous beings. The following chart graphically clarifies this idea:

Table 3. *Social image depending on group connection*

Social image			
Contexts with high group connection		Contexts with low group connection	
Affiliation	Autonomy	Affiliation	Autonomy
+	-	-	+

(15) In line with other authors such as Brown and Levinson (1978, 1987), we believe that there are, at least, three very important factors that determine the degree of (im)politeness of participants: (1) the power relations that occur between them; (2) social factors such as gender, age or social class, etc.; and (3) the relationship of familiarity or friendship.

(16) We consider that, although we are usually polite in our social relations, at certain times we express impolite speech acts (either damaging the image of an interlocutor or our own image), sometimes voluntarily and others without being aware it. The following table categorizes the possibilities:

Table 4. *Possibilities of voluntary or involuntary impoliteness based on the recipient of the speech act*

Impoliteness			
Voluntary impoliteness		Involuntary impoliteness	
Action	Discourse	Action	Discourse
Threatens the image of the receiver	Voluntary provocative discourse	Threatens the image of the receiver	Involuntary provocative discourse
Threatens the self-image of the speaker	Voluntary self-provocative discourse	Threatens the self-image of the speaker	Involuntary self-provocative discourse

(17) We should note the fact that certain impolite speech acts are not meant to make the recipient of the speech act feel bad, because often communicative exchanges between individuals with a high degree of familiarity or friendship are characterized by the use of impolite mechanisms that actually convey confidence and, ultimately, emerge as speech acts where the receiver feels well.

(18) Of course, we support the widespread idea that politeness and impoliteness strategies are closely linked to cultural and ideological variables. They are also subject to the complexity of the communicative exchange, where it is impossible not to communicate (even a lack of communication provides information), and accept the fact that in very few information exchanges does the receiver understand exactly what the speaker means to say.

(19) We explicitly warn against making an *in extremis* interpretation of the above postulates. In this systematization the categories are not to be understood as closed or exclusive, as we may find various types in a single speech act.

(20) In sum, we assume that (im)politeness is a universal category but the various ways that different cultures have of manifesting it makes it very difficult to establish general guidelines. We have tried to combine cultural relativism to the usual rules of the different communities about this resource.

4 Analysis and results

In legal contexts, we notice a strong contrast between the typical polite formulas of an act with such features, and the impolite communicative exchanges that occur between certain actors. This thesis agrees with Lakoff (1989), who recognized that in trials certain participants were expected to opt for leaving politeness strategies aside. We begin with examples of the usual polite expressions of legal settings, such as the use of a specific, archaic vocabulary (a very typical expression of these settings in Spain is the use of the *venia* voice), or indications of appreciation and respect that, today, are forms of expression which are worn out by frequent use:

[1] 87- Judge: agree / madam prosecutor whenever you like §

88- Prosecutor: with your honour's leave /// [Trial 12]

[1] 87- Juez: de acuerdo / señora fiscal cuando quiera §

88- Fiscal: con la venia señoría /// [Juicio 12]

The judge is responsible for leading the trial, since he or she not only allocates speech turns and ensures that these are respected, but also passes sentence. Therefore, their interventions are almost always markedly polite (as we can see in the snippet above) but there are cases where the judge gives orders and even chides participants who do not respect the rules of this discourse genre:

[2] 215- Judge: °(yes your honour please) take take him out please (*with gestures ordering the police to take the accused out of the room*) / you cannot behave like that in a trial § [Trial 3]

[2] 215- Juez: °(sí señoría por favor)° sa sáquenlo por favor (*mediante gestos da la orden a la policía para que saquen al acusado de la sala*) / usted no se puede comportar así en un juicio § [Juicio 3]

The question/answer format that shapes judicial interrogation also violates the principles of politeness, since the speaker restricts the receiver's freedom. In addition, the power relationships are firmly established in these contexts. Thus, in the following snippet, we note that the judge allocates turn-taking but would emphasize that the prosecutor monopolizes the discourse and even guides the responses of the accused, because we are dealing with closed questions that inquire about specific aspects of the facts at trial, as the defendant is not particularly loquacious:

[3] 8- Prosecutor: but exactly you do not remember even having filed that complaint §

9- Accused: I do not remember §

10- Prosecutor: that you had received telephone death threats §

11- Accused: no / I do not remember §

12- Prosecutor: you do not remember anything at all §

13- Accused: nothing at all § [Trial 4]

[3] 8- Fiscal: pero exactamente no recuerda usted haber hecho incluso esa denuncia §

9- Acusado: no me acuerdo §

10- Fiscal: de que había recibido amenazas de muerte por teléfono §

11- Acusado: no / no me acuerdo §

12- Fiscal: no recuerda absolutamente nada §

13- Acusado: nada en absoluto § [Juicio 4]

Moreover, the transmission of impoliteness is sometimes enhanced by certain pragmalinguistic effects. In the case of trials it is very common for interrogators to use a pitch that indicates anger. Albelda (2012) describes the phonic resources that convey impoliteness. To these we must add other linguistic resources used as enhancers. For, example, pronunciation is frequently enhanced by raising the voice volume higher than usual, or even the use of repetitions and reformulations:

[4] 12- Prosecutor: WHAT IS that something? WHAT IS it that you remember? §

13- Accused: a machete they grabbed me I think §

14- Prosecutor: that they grabbed a machete no? and coins of TWENTY-FIVE, of FIFTY, do you remember that? § [Trial 1]

[4] 12- Fiscal: ¿QUÉ ES ese algo? ¿QUÉ ES lo que recuerda? §

13- Acusado: un machete me cogieron me parece §

14- Fiscal: que le cogieron un machete ¿no? y un dinero fraccionado en monedas de VEINTICINCO de CINCUENTA ¿lo recuerda usted eso? § [Juicio 1]

The nature of judicial interrogation facilitates the use, or absence, of impoliteness strategies between interrogator and interrogated depending on the objectives thereof. Thus, if these participants belong to different blocks, it is obvious that the questioner will prefer to use impoliteness strategies. Here is an excerpt where the prosecutor questioned the truth of the words of the accused, as the latter contradicted himself:

[5] 40- Prosecutor: you say] that now, that you had seen him in the park / before you did not remember that you had seen him in the park §

41- Accused: well er I do not remember that ((()) [Trial 12]

[5] 40- Fiscal: eso lo dice] usted ahora que lo había visto en el parque / antes no se acordaba usted de que lo había visto en el parque §

41- Acusado: pues este pues no me acuerdo ((()) [Juicio 12]

In contrast, when the interrogator and the interrogated are members of the same group, a halo of respect is usually created, and, by extension, credibility in the words of the declarant. However, there are exceptions to this communicative framework, in the sense that sometimes they choose to abandon their social image, because they are convinced that this will benefit them when it comes to the sentence. Thus, we recorded instances where the speaker damages his own social image, being aware that having a drug addiction is an exemptible cause for conviction, and this information is often repeated several times by the participant, as seen in two fragments of trial 2:

[6] 4- Accused: yes I was there I was there stuffed with tablets I was full of alcohol I was clicke(d) you know I shoot myself up / [Trial 2]

[6] 4- Acusado: si iba ahí vamos iba ahí to(do) empastilla(d)o iba to(do) lleno de alcohol iba pincha(d)o sabe usted yo me pincho / [Juicio 2]

[7] 32- Accused: yees I simply cannot remember what do you want me to say because I'm hooke(d) / and I like pills you see // you know? § [Trial 2]

[7] 32- Acusado: síí si yo es que no me acuerdo vamos qué quieres que te diga porque estoy engancha(d)o / y es que me gustan las pastillas y mire usted // ¿sabe? § [Juicio 2]

It is quite common for the accused and the accusers to use the strategy of voluntarily damaging the image of their opponent, with the intention of positively reinforcing their own image. In our opinion, this is a technique which usually produces results that are very counterproductive, because when we hear an individual speaking

badly about another, it is actually the speaker who arouses our suspicion. To illustrate this idea we present the words of a dysfunctional family, a parent accusing his son of aggression:

[8] 115- Witness 1: he called me a bastard / a son of bitch / was telling me to come down, that he had to kill me // and [like this(*with both hands he thumps his knees*)] [Trial 3]

[8] 115- Testigo 1: me decía que era un cabrón / que era un hijo de puta / que bajara pa(ra) abajo que me tenía que matar // y [así (*ambas manos dan golpes sobre sus respectivas rodillas*)] [Juicio 3]

At other times, the defence lawyer voluntarily damages the image of his or her client, repeating the above patterns of behaviour. We note that the lawyer uses his final turn to read a speech about the situation of social exclusion in which his client finds himself:

[9] 288- Lawyer: [...] this is a rather strange and rather unpleasant situation / which is the existence of a drug addict in a family [...] right now he is and may he forgive me he is virtually a human wreck [...] [Trial 3]

[9] 288- Letrado: [...] nos encontramos con una situación bastante extraña y bastante desagradable / cual es la existencia de un drogodependiente en una familia [...] ahora mismo es y que me perdone él prácticamente un desecho humano [...] [Juicio 3]

We recall that examples 6, 7 and 9 are not the rule, but the exception, if we consider that it is a strategy often used by defendants with addiction problems. Usually there are witnesses –in the example we have provided it is a defendant– whose aim is to convey a positive image of themselves:

[10] 4- Accused: °((())° because since my father is sick now and I am the eldest I have to work [fo(r)] [Trial 6]

[10] 4- Acusado: °((())° porque como ahora mi padre está enfermo y yo soy el mayor tengo que trabajar [pa(ra)] [Juicio 6]

This aim is not exclusive to the witness, as the members of different groups are trying to create an aura of credibility around their words, and for this they use different resources such as being polite and consistent. More specifically, in the example provided, the speaker projects a good image of his professional role as an expert evidence witness:

[11] 83 - Doctor: yes / let's see / this man eeh was admitted with a confusional attack ok? / which gradually developed into a depressive attack / eeh the main feature he presented was a mannerism consisting of an alteration / PRODUCED BY THE AWARENESS of [...] [Trial 4]

[11] 83- Doctor: sí / vamos a ver / este señor eeh ingresó con cuadro confusional ¿no? / que evolucionó progresivamente a un cuadro depresivo / eeh la característica principal que él presentó fue manierismo que consiste en una alteración / PRODUCIDA EN LA CONCIENCIA de [...] [Juicio 4]

A very regular resource, used by both the defence and the prosecution, is to try to make the person being questioned adopt a position with regard to the truth or falsity of certain information, in order to further demonstrate that these facts are not true. Of course, this strategy always occurs when the questioner and the questioned belong to different blocks, so the prosecution can show up the defence (as in this example) or vice versa:

[12] 35- Prosecutor: it is not true that you had threatened him / with a knife §

36- Accused: [no sir

37- Prosecutor: saying] that you had to kill him §

38- Accused: no §

39- Prosecutor: it is not true §

40- Accused: not true §

41- Prosecutor: and it is not true thaaat on another occasion you took a brush from a garbage truck that was around [there

42- Accused: no, well]

43- Prosecutor: =AND YOU STRUCK HIM WITH [THAT BRUSH [Trial 4]

[12] 35- Fiscal: usted no es cierto que le haya amenaza(d)o / con un cuchillo §

36- Acusado: [no señoría

37- Fiscal: diciéndole] que lo tenía que matar §

38- Acusado: no §

39- Fiscal: no es cierto §

40- Acusado: no es cierto §

41- Fiscal: y no es cierto queee en otra ocasión cogió usted un cepillo de un carro de basura que había por [allí

42- Acusado: no bueno]

43- Fiscal: =Y LE PROPINÓ UN GOLPE CON [ESE CEPILLO [Juicio 4]

We close this section by recalling the importance of using interruptions. A priori we can say that any interruption is rude, especially if it violates the hierarchy, i.e. it is considered worse for the person being questioned to interrupt the questioner than vice versa. To correctly interpret the interruption processes in these communication exchanges we must bear in mind there is an extremely rapid pace of speech between the two characterized by a constant change of speaker. Consequently we find many overlaps without any intention of interrupting (Ridao, 2010b). In legal contexts it is very frequent for an interrogator not to leave enough time for the answer, as we note in the following excerpt where the witness takes advantage of the extension or the repetition to deliver his speech:

[13] 52 - Lawyer: have you ha(d) with him [anyyyy discussion

53 - Witness: not at all

54 - Lawyer: on] = about owing him some money? [didn't you owe him some money?

55 - Witness: not at all] [Trial 9]

[13] 52- Letrado: ¿usted había teni(d)o con él [algunaaa discusión

53- Testigo: no en absoluto

54- Letrado: sobre] =si le debía dinero? [¿no le debía dinero?

55- Testigo: en absoluto] [Juicio 9]

Moreover, it gives a very bad image when the witness interrupts his interrogator, and they very rarely struggle to keep on talking. This situation occurs only if the person being questioned thinks that the information provided is valuable for the outcome of the trial, so that the loss of image will be in their favour:

[14] 46 - Defendant: I did not [run away

47 - Lawyer: at no] time did you run away §

48 - Accused: I did not [run away

49 - Lawyer: you left you went away from the scene

50 - Accused: (())] =I do not know I do not know what I found hey well it WOULD be if I if only I do not know I found it just when I came and I told the police what what I was doing there § [Trial 2]

[14] 46- Acusado: no me di a [la fuga

47- Letrada: en ningún] momento se fue §

48- Acusado: no me di a [la fuga

49- Letrada: se marchó se fue del lugar

50- Acusado: (())] =no sé no sé qué encontré vamos pues SERÍA si yo si na(da) más que hace yo qué sé lo encontré nada más que le llegué y se lo dije yo a la policía que qué es lo que hacía ahí § [Juicio 2]

5 Discussion and conclusions

Judicial contexts are complex communicative schemes with very particular preset interactional guidelines, which illustrate the insurmountable hierarchy in terms of power relations established between the various actors (Thomas, 1985; Walker, 1987). We must bear in mind that there are individuals who know the participation rules (such as judges, defence lawyers, prosecutors or prosecuting lawyers) but there is also another group that tends to be unaware of this system operating (defendants, accusers or witnesses). Consequently, the latter start with a disadvantage, since this ignorance prevents them from adopting a correct strategic positioning.

Looking at it from another angle, we must not forget that, in trials, we find blocks of participants with opposing objectives. All the credibility strategies deployed by the prosecution and the defence are intended to convince the judge of the truth of their position. Group connections are therefore vital in these legal settings and politeness strategies are usually established between members of the same group. However, when interrogation involves participants from different groups, the resources associated with impoliteness become more evident, especially between the interrogator and the person being questioned, due to the power relations. Apart from that, participants who are not legal professionals, such as defendants, accusers and witnesses, often involuntarily commit episodes of impoliteness. These acts not only damage their own image, but sometimes also damage the image of the group they belong to.

In the fragments provided in the previous section, we showed that the desire to convey a good image (either individually or in groups) should not be treated as a universal axiom in the theoretical principles that account for politeness strategies, since at certain times individuals choose to damage their own image or the image of their group for the sake of a strategic positioning. Examples 6, 7, 8 and 9 show that, for these people, achieving a beneficial judgment prevails over the desire to give a good image. This is contrary to the axiom of Goffman (1959).

In our opinion, we have to assume that the transmission of information is a complex structure involving resources related to verbal and nonverbal communication, which justifies the limitation of maxims such as those of Leech (1983). This large sum of factors means communication is a process that is very difficult to interpret, where each of those present understands the message differently. Politeness and impoliteness strategies are values for which decoding can be very complex, among other reasons precisely because users mask their true position.

Communication –a process in which (im)politeness strategies are always present– is inherently accompanied by a goal, that is, there is a teleological or utilitarian background. Depending on that aim, we select some or other resources to encrypt our messages. The message is the medium through which we achieve our goals,

and (im)politeness strategies are the resources we can use. In the case of trials these are closely linked to credibility. The use of impersonality in trials is also a mechanism to convey credibility, as it is related to hiding participants (Villalba, 2013).

We also want to shed light on the interpretation of impolite acts, particularly those in which the speaker voluntarily damages the image of another individual. If, from the beginning, the speaker who expresses the message aims to convey a good image of himself, and only intends to damage the image of another person, we believe that this interpretation is wrong. This allows us to reflect on the enormous gap between the social image we believe we transmit and the social image that recipients perceive from us.

As in any communication process, both the message encrypted by the sender and the decoding of the receiver have an influence on this exchange of information. In the case of social relations it is very common to be influenced by prototypes in behaviour present in individuals, and this often reveals itself as a very serious problem in the media with assumptions. Also, people have an ethnocentric vision, because we understand that we share the same world vision and facts with other individuals when, in fact, individuals with very similar experiences typically evaluate the same acts differently.

Therefore, the interpretation of (im)politeness strategies entails the inherent difficulties of human communication. Culture, as well as sociological and psychological factors, plays a decisive role in this interpretation. Precisely for that reason attempts have been made in the field of social psychology and psycholinguistics to inquire into the elements that add credibility. As we have argued in this paper, (im)politeness is a vital resource for the credibility of the speaker.

Studies on how to formulate questions began with Muscio (1915). Later, in the 1970s, there was a significant increase in research that shows the interviewer's power to influence the answer of the respondent (Marquis, Marshall & Oskamp, 1972; Kasprzyk, Montano & Loftus, 1975; O'Barr & Conley, 1976, or McGaughey & Stiles, 1983, to mention just a few authors who started this fruitful line of research). Indeed, some studies show that the manner of conducting an interrogation directly influences the impression given by the witness. Hence lawyers prefer to use closed questions with their opponents but with their own clients they opt for open questions, where the respondent can make use of a long speech, which conveys credibility (in accordance with Conley, O'Barr & Lind, 1978).

In another approach, research on ethnomethodology and legal contexts offers us interesting information about the transmission of credibility. For Walker, Thibaut and Andreoli (1972) the order of interventions in a trial has an influence on determining the guilt or innocence of the accused, and these researchers argue that the second person to intervene is in an advantageous position. Even more surprising are the investigations of Conley, O'Barr and Lind (1978), which found that the witnesses who speak with a strong style and tell the story themselves, without the need for the lawyer to constantly ask them, create favourable impressions on the jury, and that the lawyer should avoid interrupting or producing overlaps with his client, because it has a negative impact on the image of the declarant. From the field of linguistics and law, Fuentes and Villa (2002) reflect on the need for lines of research linked to the way in which the phonetics of the witnesses can influence the judge's decision, or to the analysis of how the ideology of judges is reflected in sentences, based on proposals from critical discourse analysis.

In conclusion, this is an interdisciplinary field of study allowing for contributions from law, linguistics, communication, pragmatics, psychology, ethnomethodology and sociology, among other disciplines. Obviously, it is a subject that has a useful and a necessary practical application. Further studies are necessary to supplement and describe communication processes in legal contexts in particular, and communicative exchanges with remarkably persuasive purposes in general.

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Appendix: Transcription symbols

The transcription symbols were established by the Val.Es.Co group (Briz, 1998). However, due to the characteristics of the corpus obtained, certain modifications have been made:

: Change of speaker.

§ Immediate succession without noticeable pause between two different speakers' emissions.

[Place where an overlap starts.

] End of overlap.

= Turn maintained by a participant in an overlap.

/ Short pause, less than half a second.

// Pause between half a second and one second.

/// Pause for one or more seconds.

BY CAR Marked or emphatic pronunciation.

(()) Indecipherable fragment.

(mo)re Reconstruction of an incomplete lexical unit.

°()° Fragment pronounced in a lower tone, nearly whispering.

(*laughs*) Significant sounds and nonverbal information.

aaa Vowel lengthening.

? Interrogations. Also for tags such as "isn't it?", "Huh?" or "You know?".